

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2050 - SB 2212

March 9, 2016

SUMMARY OF BILL: Creates a new Class E felony for assault against a law enforcement officer, firefighter, medical fire responder, paramedic, emergency medical technician, health care provider, or any other first responder.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$4,072,900/Incarceration*

Assumptions:

- Tennessee Code Annotated § 39-13-101 punishes assault as a Class A misdemeanor if it is committed intentionally, knowingly, or recklessly and causes bodily injury, or if it is committed intentionally or knowingly and causes another to reasonably fear imminent bodily injury. Tenn. Code Ann. § 39-13-101 punishes assault as a Class B misdemeanor if it is committed intentionally or knowingly and causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative.
- The bill will enhance any assault, Class A or B misdemeanor, to a Class E felony, if it is committed against a law enforcement officer, firefighter, medical fire responder, paramedic, emergency medical technician, health care provider, or any other first responder.
- Statistics from the United States Department of Justice's Unified Crime Report 2013 *Law Enforcement Officers Killed & Assaulted* (https://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table_71_leos_asltd_region_geographic_division_and_state_by_type_of_weapon_2013.xls) indicate that 1,704 law enforcement officers were assaulted in Tennessee in 2013. Statistics from the Bureau of Labor Statistics indicate that 73 healthcare workers were assaulted in 2014.
- It is assumed that 10 percent of these assaults $[(1,704 + 73) \times 0.1 = 177.7]$ will result in Class E felony admissions into DOC's custody.
- The average time served for a Class E felony is 1.47 years (536.92 days).
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 21 $(177.7 \times .1178)$ additional admissions for a total of 199 $(178 + 21)$.

HB 2050 - SB 2212

- According to the DOC, 43.7 percent of offenders will re-offend within two years of their release. A recidivism discount of 43.7 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law (199 offenders x .437 = 87 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 112 offenders [199 offenders – 87 recidivism discount] serving an additional 1.47 years (536.92 days) for a total of \$36,365.59 (\$67.73 x 536.92 days). The cost for 112 offenders is \$4,072,946.26 (\$36,365.59 x 112).
- The bill will create 238 felony cases each year. However, it will also decrease misdemeanor cases by 238 cases. This represents approximately six cases per judicial district (199 cases / 31 judicial districts = 6.42 cases per district). It is assumed that the courts, district attorneys, and public defenders can handle the impact to their caseloads within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/trm